

KENYA 2013 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution and other laws and policies protect religious freedom. Muslims, primarily ethnic Somalis, complained, however, of arbitrary detention, harassment, and profiling by government security forces, particularly following terrorist attacks inside the country, including those linked to the Somali terrorist group al-Shabaab or its sympathizers, such as the September 21 attack on Westgate Mall in Nairobi. Muslim leaders stated that the government made it difficult for Muslim youth to acquire identity cards, a prerequisite for voting and access to certain services. Christians stated that in heavily Muslim areas, Muslim government officials discriminated against Christians. Several religious groups complained that the government did not respect or accommodate their members' religious requirements in executing government functions.

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. In October Muslim youth in Mombasa rioted and lit a local church on fire after the killing of a Muslim cleric and three other Muslims. Following these incidents and the terrorist attack at Westgate Mall, however, interfaith leaders made public statements supporting religious tolerance and restraint. During the year some Muslims threatened with violence or death individuals, particularly ethnic Somalis, who converted from Islam. Muslims stated that non-Muslim business and community leaders thwarted development efforts in predominantly Muslim areas. Christian leaders stated that Christians were subject to discrimination in historically Muslim areas on the country's coast and in the northeastern region. Tensions remained high in some communities following several grenade attacks on churches and reprisal attacks against Muslims in 2012, though neither these attacks nor reprisals continued.

The U.S. embassy regularly discussed issues of religious freedom and inclusion with government officials and with local and national religious leaders, including members of the Inter-Religious Council of Kenya, the Supreme Council of Kenya Muslims, and the National Council of Churches of Kenya. The embassy urged religious leaders to engage in interfaith efforts to promote a continued commitment to religious freedom and to religious diversity. The embassy supported interfaith efforts to defuse political and ethnic tensions. The embassy encouraged religious leaders to work together across sectarian lines to advance tolerance and peaceful coexistence before and after the 2013 national elections and in the aftermath of the terrorist attack at Westgate Mall.

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Section I. Religious Demography

The U.S. government estimates the total population at 44 million (July 2013 estimate). Approximately 80 percent of the population is Christian and 10 percent is Muslim. Groups constituting less than 1 percent of the population include Hindus, Sikhs, and Bahais. Much of the remaining population adheres to various traditional religious beliefs. Of the Christian population, 57 percent is Protestant, 29 percent Roman Catholic, and 14 percent other Christian. Most of the Muslim population lives in the northeast and coast regions, where religion and ethnicity are often inextricably linked. There are approximately 405,000 Somali refugees in the Dadaab refugee camp, most of whom are Muslims. At year's end, there were approximately 129,000 refugees in the Kakuma refugee camp, including Somalis, South Sudanese, and Ethiopians, as well as other regional refugees.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution and other laws and policies generally protect religious freedom.

The constitution provides for Kadhis' courts to adjudicate certain types of civil cases based on Islamic law, including questions relating to personal status, marriage, divorce, or inheritance in cases in which "all the parties profess the Muslim religion." The secular High Court has jurisdiction over civil or criminal proceedings, including those in the Kadhis' courts, and will accept appeals of any Kadhis' court decision.

New religious groups must register with the registrar of societies, which reports to the attorney general's office. The government allows indigenous and traditional religious groups to register, although many do not. Registered religious groups may apply for tax-exempt status, including exemption from paying duty on imported goods.

The Ministry of Information and Communications must approve regional radio and television broadcast licenses, including for religious organizations.

Government Practices

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Although many Muslims ultimately endorsed the 2012 Prevention of Terrorism Act (PTA), Muslim leaders accused the government of using the law and the broader fight against terrorism as a pretext to arrest, harass, and sometimes deport Muslims. These critics stated the government failed to differentiate violent extremists from legitimate scholars, members of religious nongovernmental organizations, and ordinary citizens. According to human rights groups, government security forces subjected citizens of Somali origin, who are predominantly Muslim, to arbitrary detention and punishment based on presumed links to extremists. For example, in April police conducted a security sweep of the predominantly Muslim and ethnic Somali city of Garissa and the Dadaab refugee camp after a deadly grenade attack in the area, arresting over 500 people. Because the large majority of Somalis are Muslim, it was difficult to classify these incidents specifically as instances of religious or ethnic intolerance.

Muslim clerics in the Rift Valley stated that the PTA gave police unlimited authority to profile Muslims and that police increasingly stopped Muslims in the streets to ask for their national identity cards. Muslim leaders, particularly on the coast, stated that the Anti-Terrorism Prevention Unit (ATPU), a specialized police unit, conducted a systematic campaign of harassment specifically targeting Muslims for alleged association with extremist groups.

Some Muslim leaders stated that the government was hostile toward Muslims generally and that it made it difficult for Muslim youth to acquire national identification cards, which are a prerequisite for voting and access to certain government and financial services. They also charged that authorities in various government offices rigorously scrutinized the identification cards of persons with Muslim surnames, particularly ethnic Somalis, and sometimes required additional documentation of citizenship such as birth certificates of parents and grandparents. The government stated that the additional scrutiny was necessary to deter illegal immigration and fight terrorism, rather than to discriminate against ethnic Somalis or their religion.

Following the September 21 terrorist attack at the Westgate Mall in Nairobi, for which members of the al-Shabaab terrorist group claimed responsibility, religious leaders and civil society expressed concerns about possible government reprisals against Muslims, and particularly against ethnic Somalis. In subsequent weeks, however, reprisals were limited, though there were reports of increased profiling of Somali Muslims by Kenyan security forces. President Kenyatta and prominent religious leaders spoke at a national interfaith prayer service following the attack, urging tolerance.

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Government schools sometimes prevented girls from attending classes if they wore headscarves or other religious dress. School authorities who ordered female students to remove their headscarves while in school stated that such garments were in violation of school uniform policies. There was no change to the September 2012 ruling by a Nairobi court in favor of Nairobi's Kenya High School, which banned headscarves, though many other public high schools continued to permit students to wear them. Prohibitions on religious headwear at some schools affected members of the Akorino group, which combined Christian and African styles of worship and required women to cover their heads.

Some government schools required Seventh-day Adventist students to attend classes on Saturday, the Seventh-day Adventist Sabbath. In May, however, the High Court ruled in favor of a Seventh-day Adventist Church petition and ordered schools to allow a Saturday exemption.

The Seventh-day Adventist Church complained that the government did not respect or accommodate their observance of the Sabbath in other activities. For example, local government officials reportedly attempted to force Seventh-day Adventists in Nyanza to participate in a polio vaccination campaign conducted on a Saturday. In June a Seventh-day Adventist who had served in the country's military for 10 years sued the Kenya Defense Force for violating his religious rights, saying he was disciplined and later discharged because he refused to work on Saturdays. The case was ongoing at year's end.

The government generally provided impartial treatment to religious groups applying for registration with the registrar of societies. However, some smaller groups reportedly found it difficult to register if the government classified them as offshoots of larger religious organizations.

Some Christian leaders stated that, in heavily Muslim areas of the northeast, Muslim government officials resisted Christian groups' efforts to acquire land for churches or burial plots.

The Ministry of Information and Communications routinely approved regional radio and television broadcast licenses for Christian and Muslim groups.

Abuses by Rebel or Foreign Forces or Terrorist Organizations

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During the September 21 terrorist attack at Westgate Mall, there were reports that the attackers specifically targeted non-Muslims. Media reported the attackers asked people trapped in the mall questions about Islam to determine their religion, releasing those that they thought were Muslims, while shooting others.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice.

Muslim religious leaders and their families reportedly threatened with violence or death some individuals who converted from Islam to Christianity, particularly those of Somali ethnic origin. During the year several countries assisted in resettling some refugees to new temporary homes after they faced persecution in refugee camps for converting to Christianity.

Muslim youth in Mombasa rioted and lit a local church on fire in protest against the drive-by killing on October 3 of Muslim cleric Ibrahim Ismail Amaru ‘Omar’ and three other Muslims. Police killed four people in ensuing clashes. Some Muslim leaders in the coast region had reportedly urged their followers to avenge the shooting of the cleric, claiming that the government had killed the cleric in response to the Westgate terrorist attack. Many Muslim and Christian leaders spoke out against the violence, however, urging calm and tolerance in messages echoing their response to riots over a similar drive-by killing of a Muslim cleric in Mombasa in 2012. For example, Muslim clerics issued a statement on October 5 at Jamia Mosque in Nairobi condemning both the drive-by killing and the subsequent attack on the church. The statement said the drive-by killing and the terrorist attack at Westgate Mall were “aimed at fanning inter-religious animosity in the country,” and called upon Kenyans to resist those efforts

On October 20, an evangelical pastor was found murdered in his Mombasa church. Local religious leaders spoke to the media about the killing, calling for an investigation and calling for their followers to maintain peace and eschew retribution. Some suspected the killing was an act of revenge following the drive-by killing of the four Muslims on October 3, but the circumstances around the pastor’s death remained unclear at year’s end.

Some Muslims perceived general discrimination against them as members of a minority group, and stated that the government and business community deliberately impeded development in predominantly Muslim areas. Non-Muslims

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reportedly often harassed citizens of Somali origin, who were predominantly Muslim.

Christian leaders stated that individuals and businesses in historically Muslim areas in the northeast and on the coast discriminated against Christians. Christian leaders also alleged that private citizens, in addition to Muslim government figures, made it difficult for Christians in the northeast to obtain land for churches and cemeteries.

Because ethnicity and religion were often inextricably linked, it was difficult to categorize complaints by Muslims and Christians as instances of solely ethnic or religious intolerance.

There were also reports that some larger religious groups marginalized small minority groups, for example, by discouraging the smaller groups from seeking representation in interfaith organizations and instead urging them to operate through the larger groups' representatives.

After the terrorist attack at the Westgate mall in Nairobi, Muslim and Christian leaders widely voiced concerns about possible societal reprisals against ethnic Somalis and other Muslims and issued statements calling for calm. Prominent religious leaders of all faiths collaborated to organize a major national interfaith prayer service in Nairobi following the attack. President Kenyatta, Deputy President William Ruto, members of the opposition, members of the diplomatic community including the Ambassador, and a host of community leaders attended and called for restraint and tolerance.

Section IV. U.S. Government Policy

The U.S. embassy encouraged the government to continue respect for religious freedom as part of its broader reform process. The embassy engaged religious leaders through a series of interfaith meetings aimed at promoting peaceful cooperation before and after the 2013 general elections and remained in close contact with these leaders during the year. For example, in April the Ambassador hosted a roundtable with a variety of religious leaders in Eldoret during which they discussed the role of religious leaders and faith-based organizations in maintaining social harmony and encouraging their followers to be tolerant of other religious views.

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Following the Westgate terrorist attack, the Ambassador attended the national interfaith prayer service to express U.S. support for tolerance and unity during the crisis. The embassy remained in close contact with religious leaders working to maintain interfaith cooperation and prevent reprisals after the attack.

The embassy also engaged Muslim leaders, Christian leaders, and local political figures to support their efforts to calm ongoing tensions in the coast region, which has a significant Muslim population, both around the elections and following the clashes and church burning over the drive-by killing of four Muslims and the murder of a Christian pastor. In late October the Ambassador met with some of the most senior Muslim, Christian and Hindu leaders in the country and discussed their work to maintain communication and cohesion between their followers in the aftermath of these killings.

The embassy met one-on-one with religious leaders to urge them to continue to work across sectarian lines to reaffirm the country's history of religious freedom, tolerance, and diversity. The embassy encouraged the interfaith community and other contacts to see religious diversity as a national strength, not a source of strife and division.